

## § 144.15

(1) *Notification.* The owner or operator shall comply with the notification requirements of section 3010 of Public Law 94-580.

(2) *Identification number.* The owner or operator shall comply with the requirements of 40 CFR 264.11.

(3) *Manifest system.* The owner or operator shall comply with the applicable recordkeeping and reporting requirements for manifested wastes in 40 CFR 264.71.

(4) *Manifest discrepancies.* The owner or operator shall comply with 40 CFR 264.72.

(5) *Operating record.* The owner or operator shall comply with 40 CFR 264.73(a), (b)(1), and (b)(2).

(6) *Annual report.* The owner or operator shall comply with 40 CFR 264.75.

(7) *Unmanifested waste report.* The owner or operator shall comply with 40 CFR 264.75.

(8) *Personnel training.* The owner or operator shall comply with the applicable personnel training requirements of 40 CFR 264.16.

(9) *Certification of closure.* When abandonment is completed, the owner or operator must submit to the Director certification by the owner or operator and certification by an independent registered professional engineer that the facility has been closed in accordance with the specifications in § 144.52(a)(6).

(d) *Additional requirements for Class IV wells.* [Reserved]

### § 144.15 Prohibition of non-experimental Class V wells for geologic sequestration.

The construction, operation or maintenance of any non-experimental Class V geologic sequestration well is prohibited.

[75 FR 77288, Dec. 10, 2010]

### § 144.16 Waiver of requirement by Director.

(a) *When injection does not occur into, through or above an underground source of drinking water,* the Director may authorize a well or project with less stringent requirements for area of review, construction, mechanical integrity, operation, monitoring, and reporting than required in 40 CFR part 146 or § 144.52 to the extent that the reduction in requirements will not result

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in an increased risk of movement of fluids into an underground source of drinking water.

(b) When injection occurs through or above an underground source of drinking water, but the radius of endangering influence when computed under § 146.06(a) is smaller or equal to the radius of the well, the Director may authorize a well or project with less stringent requirements for operation, monitoring, and reporting than required in 40 CFR part 146 or § 144.52 to the extent that the reduction in requirements will not result in an increased risk of movement of fluids into an underground source of drinking water.

(c) When reducing requirements under paragraph (a) or (b) of this section, the Director shall prepare a fact sheet under § 124.8 explaining the reasons for the action.

### § 144.17 Records.

The Director or the Administrator may require, by written notice on a selective well-by-well basis, an owner or operator of an injection well to establish and maintain records, make reports, conduct monitoring, and provide other information as is deemed necessary to determine whether the owner or operator has acted or is acting in compliance with Part C of the SDWA or its implementing regulations.

[58 FR 63895, Dec. 3, 1993]

### § 144.18 Requirements for Class VI wells.

Owners or operators of Class VI wells must obtain a permit. Class VI wells cannot be authorized by rule to inject carbon dioxide.

[75 FR 77288, Dec. 10, 2010]

### § 144.19 Transitioning from Class II to Class VI.

(a) Owners or operators that are injecting carbon dioxide for the primary purpose of long-term storage into an oil and gas reservoir must apply for and obtain a Class VI geologic sequestration permit when there is an increased risk to USDWs compared to Class II operations. In determining if there is an increased risk to USDWs,

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the owner or operator must consider the factors specified in §144.19(b).

(b) The Director shall determine when there is an increased risk to USDWs compared to Class II operations and a Class VI permit is required. In order to make this determination the Director must consider the following:

- (1) Increase in reservoir pressure within the injection zone(s);
- (2) Increase in carbon dioxide injection rates;
- (3) Decrease in reservoir production rates;
- (4) Distance between the injection zone(s) and USDWs;
- (5) Suitability of the Class II area of review delineation;
- (6) Quality of abandoned well plugs within the area of review;
- (7) The owner's or operator's plan for recovery of carbon dioxide at the cessation of injection;
- (8) The source and properties of injected carbon dioxide; and
- (9) Any additional site-specific factors as determined by the Director.

[75 FR 77288, Dec. 10, 2010]

### Subpart C—Authorization of Underground Injection by Rule

#### § 144.21 Existing Class I, II (except enhanced recovery and hydrocarbon storage) and III wells.

(a) An existing Class I, II (except enhanced recovery and hydrocarbon storage) and III injection well is authorized by rule if the owner or operator injects into the existing well within one year after the date at which a UIC program authorized under the SDWA becomes effective for the first time or inventories the well pursuant to the requirements of §144.26. An owner or operator of a well which is authorized by rule pursuant to this section shall rework, operate, maintain, convert, plug, abandon or inject into the well in compliance with applicable regulations.

(b) *Duration of well authorization by rule.* Well authorization under this section expires upon the effective date of a permit issued pursuant to §§144.25, 144.31, 144.33 or 144.34; after plugging and abandonment in accordance with an approved plugging and abandonment plan pursuant to §§144.28(c) and 146.10, and upon submission of a plugging and

abandonment report pursuant to §144.28(k); or upon conversion in compliance with §144.28(j).

(c) *Prohibitions on injection.* An owner or operator of a well authorized by rule pursuant to this section is prohibited from injecting into the well:

- (1) Upon the effective date of an applicable permit denial;
- (2) Upon failure to submit a permit application in a timely manner pursuant to §§144.25 or 144.31;
- (3) Upon failure to submit inventory information in a timely manner pursuant to §144.26;
- (4) Upon failure to comply with a request for information in a timely manner pursuant to §144.27;
- (5) Upon failure to provide alternative financial assurance pursuant to §144.28(d)(7);
- (6) Forty-eight hours after receipt of a determination by the Director pursuant to §144.28(f)(3) that the well lacks mechanical integrity, unless the Director requires immediate cessation;
- (7) Upon receipt of notification from the Director pursuant to §144.28(1) that the transferee has not demonstrated financial responsibility pursuant to §144.28(d);
- (8) For Class I and III wells:

- (i) In States with approved programs, five years after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision; or

- (ii) In States with programs administered by EPA, one year after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision; or

- (9) For Class II wells (except enhanced recovery and hydrocarbon storage), five years after the effective date of the UIC program unless a timely and complete permit application is pending the Director's decision.

(d) *Class II and III wells in existing fields or projects.* Notwithstanding the prohibition in §144.11, this section authorizes Class II and Class III wells or projects in existing fields or projects to continue normal operations until permitted, including construction, operation, and plugging and abandonment of wells as part of the operation, provided the owner or operator maintains